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Filed by: Judge Richard E. Schafer
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MAILED

FEB 21 2001

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Applicants: HSU
Application No.: 09/352,093
Filed: 07/14/99
For: ULTRA-HIGH EFFICIENCY TURBINE AND
FUEL CELL COMBINATION

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 104,561.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

Richard E. Schafer
RICHARD E. SCHAFER
Administrative Patent Judge

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 1

Filed by: Richard E. Schafer
Administrative Patent Judge
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
Fax: 703-305-0942

Filed:
21 February 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

MARK SKOWRONSKI,

FEB 21 2001

Junior Party,
(Patent 5,811,201),

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

v.

MICHAEL S. HSU and ETHAN D. HOAG,

Senior Party,
(Application 09/352,093).

Patent Interference No. 104,561

NOTICE DECLARING INTERFERENCE
(37 CFR § 1.611)

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.

Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

Part B. Judge designated to handle the interference

Administrative Patent Judge Richard E. Schafer has been designated to handle the interference. 37 CFR § 1.610(a).

Part C. Standing order

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

Part D. Conference call to set dates

A telephone conference call to set dates for taking action in the interference is scheduled for **2:00 p.m. on April 13, 2001** (the call will be initiated from the PTO).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See § 17 of the STANDING ORDER.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE.

Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some mutual agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Additional Matters

The drawings of Skowronski Patent 5,811,201 do not include the numerals referred to in the specification. Within **twenty-eight (28) days** of the date of this NOTICE DECLARING INTERFERENCE, Skowronski is required to file with the Board an annotated drawing including the numerals referred to in the specification.

Part E. The parties involved in this interference are:

Junior Party

Named inventors: **MARK J. SKOWRONSKI, Walnut, CA**

Patent: **5,811,201, granted 22 September 1998**

Title: **Power generation system utilizing
turbine and fuel cell**

Assignee: **Southern California Edison Company**

Accorded Benefit: **None**

Attorneys: **See last page**

Address: **See last page**

Senior Party

Named Inventors: MICHAEL S. HSU, Lincoln, MA
ETHAN D. HOAG, East Boston, MA

Application: 09/352,093, filed 14 July 1999

Title: Ultra-high efficiency turbine and
fuel cell combination

Assignee: None

Accorded Benefit: Patent 5,976,332, granted 2 November 1999,
based on Application 08/977,835, filed
26 November 1997

Patent 5,693,201, granted 2 December 1997,
based on Application 08/325,486, filed
19 October 1994

Attorneys: See last page

Address: See last page

Part F. Count and claims of the parties

Count 1

Claim 10 of Skowronski Patent 5,811,201.

The claims of the parties are:

Skowronski 1-13

Hsu: 53-65

The claims of the parties which correspond to Count 1 are:

Skowronski 10-13

Hsu: 53-65

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Skowronski 1-9

Hsu: None

Part G. Heading to be used on papers

The following heading shall be used on papers filed in the interference. See § 18 of the STANDING ORDER.

Paper ¹ _____

Filed on behalf of [name of party]
By: Name of lead counsel, Esq.
Name of backup counsel, Esq.
Street address
City, State, and Zip-Code
Tel:
Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Richard E. Schafer)

MARK SKOWRONSKI,

Junior Party,
(Patent 5,811,201),

v.

MICHAEL S. HSU and ETHAN D. HOAG,

Senior Party,
(Application 09/352,093).

Patent Interference No. 104,561

TITLE OF PAPER

¹ Leave a blank line because the board assigns the paper number.

Part H. Summary of dates for taking action

Times for taking action are set out in the following sections of the STANDING ORDER:

1. **§ 7:** date for identifying lead and backup counsel.
2. **§ 8:** date for identifying any real party in interest.
3. **§ 9:** date for requesting copies of involved and benefit applications and patents.
4. **§ 17:** date for filing list of proposed preliminary motions.
5. **§ 19:** date for accomplishing certain discovery.
6. **§ 20:** date for filing clean copy of claims.
7. **§ 21:** date for filing clean copy of claims in cases with drawings and/or claims containing a means plus function limitation.
8. **§ 23:** dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
9. **§ 33:** date for objecting to admissibility of evidence.
10. **§ 34:** date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
11. **§ 35:** dates when cross-examination can take place.
12. **§ 45:** dates for taking action with respect to settlement discussions

Part I. Order form for requesting file copies

FILE COPY REQUEST

Interference 104,561

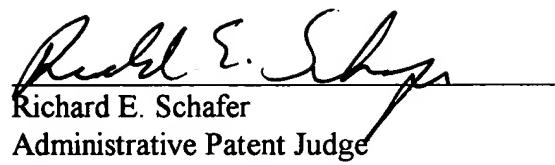
A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. _____
2. Complete address, including street, city, state, zip code and telephone number (do not list a Post Office box inasmuch as file copies are sent via commercial overnight courier).

Telephone, including area code: _____

Part J. Signature of administrative patent judge


Richard E. Schafer
Administrative Patent Judge

Date: 2/21/01
Arlington, VA

Enc:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in the preliminary motion phase of the interference (ORDERPM6)

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference (ORDERTE6)

PTO Form 850

Copy U.S. Patent 5,811,201

Copy of claims of 09/352,093

DECLARE.007

Revised September 20, 2000
(replaces DECLARE.006.1)

cc (via Federal Express):

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